IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.86 OF 2004

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Kachurumal M. Bhohra ...Petitioner

v/s.

Arihant Collection & Ors. ...Respondents

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Mr.M.D. Mali for the Petitioner.

None for the Respondents.

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CORAM: D.K.DESHMUKH, J.

DATED: 27TH JUNE,2005

P.C.:

1. By this petition the Petitioner challenges the award dated 5-7-2003 passed by the Arbitral Tribunal. Perusal of the award shows that it is an award passed

on settlement between the parties. In the petition in paragraph 13, the Petitioner has made a categorical statement that the matter was not settled before the arbitrator and he has not consented to any award being made.

2. The learned Counsel for the Petitioner states that the Respondents have been served. He has filed affidavit of service. None appears for the Respondents. They have not filed any reply.

3. In the absence of any reply denying the averments made in the petition, accepting the averments made in the petition at their face value that the Petitioner never consented to the award being made, the award has to be set aside. Accordingly, the award impugned in the petition is set aside. The Respondents are directed to pay costs of this petition to the Petitioner, as incurred by the Petitioner.

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